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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
05 AT SEATTLE

06 UNITED STATES OF AMERICA,) CASE NO. CR08-159-MJP
07)
08 Plaintiff,)
09)
10 v.) DETENTION ORDER
11)
12 JAVIER GASTELUM-INZUNZA,)
13)
14 Defendant.)
15)

16 Offense charged: Conspiracy to Distribute Cocaine and Methamphetamine

17 Date of Detention Hearing: May 13, 2008

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
19 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
20 that no condition or combination of conditions which defendant can meet will reasonably assure
21 the appearance of defendant as required and the safety of other persons and the community.

22 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

23 1. Defendant has been charged with a drug offense the maximum penalty of which
24 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
25 dangerousness and flight risk, under 18 U.S.C. §3142(e).

26 2. Defendant does not contest detention.

27 3. The United States alleges that the defendant's presence in the United States is

illegal although an immigration detainer has not yet been lodged.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
 - (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
 - (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
 - (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 13th day of May, 2008.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge